



WASHINGTON STATE DEPARTMENT OF
Natural Resources

Peter Goldmark - Commissioner of Public Lands

Application for Use of State-owned Aquatic Lands

Applicant Name: Taylor Resources

County: Thurston

Water Body: Totten Inlet

Type of Authorization: Right of Entry

Authorization Number: 23-084625

Term: 5 years

Description: DNR is considering an application to issue right of entry 23-084625. This application is a request to harvest geoducks as part of the settlement agreement between Taylor Resources and DNR dated May 6th, 2009. The term is being considered for 5 year.



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Application for Right of Entry on State Owned Aquatic Lands Pursuant to Settlement Agreement

APPLICATION MUST BE FILLED OUT IN BLUE OR BLACK PEN

I SUBMISSION OF APPLICATION

PLEASE NOTE: NO WORK CAN BE STARTED WITHIN THE PROJECT AREA UNTIL A USE AUTHORIZATION AGREEMENT HAS BEEN GRANTED BY THE DEPARTMENT OF NATURAL RESOURCES.

This application will be reviewed by the Department of Natural Resources upon receipt at the offices of Bridget Moran, Deputy Supervisor of Aquatics and Agency Programs, 1111 Washington Street SE, P.O. Box 47001, Olympia, WA 98504-7001. Applicants will be notified in writing if the application will be accepted for further review. However, this application may be rejected at any time before execution of a use authorization granted by DNR.

Please include a \$25.00 non-refundable application processing fee.

Completion of this application form and notice of acceptance of the application should not be considered approval of your project. A use authorization agreement allows the applicant to use state-owned land. It is a legal real estate agreement which will be signed by both parties and in most cases recorded with the appropriate county.

GENERAL APPLICATION INFORMATION

Date of Application: May 27, 2009

(NOTE: This application will expire two (2) years from this date.)

Right of Entry to be Issued To (how name will appear on contract) **Taylor Resources, Inc.**

Address including City, State and Zip Code

Form Date: May 5, 2009

App# 23-084625
Co: 34 Trust: Z1
Plate: TS34-003
Note 26

EN
6-9-2009

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To	ERIK	From	JEFF
Co./Dept.		Co.	
Phone #		Phone #	
Fax #	360 902 1791	Fax #	

Telephone Number		Fax Number			
Applicant's Representative Diane Cooper		Relationship to Applicant Employee			
Address including City, State and Zip Code					
Telephone Number		Fax Number			
If Property will be used for business purposes, Applicants' Washington Department of Revenue Tax *Registration Number (Unified Business Identifier) is REQUIRED: 91-1702582					
Which of the following applies to Applicant (Check One and Attach written authority to sign - by laws, power of attorney, etc):					
Corporation: X	(State of Registration): WA	Governmental Agency:			
General Partnership:	Limited Partnership:	(State of Registration):			
Sole Proprietorship:	Marital Community:	(Spouse):			
Other:	(Please Explain):				
Has the site use been authorized before or is it currently under authorization? Circle one	Yes	No	Don't Know	If yes	Agreement # 23-083357

USE OF STATE PROPERTY

Describe the proposed use of the property and identify any additional proposed use:	<p>The purpose of this authorization is to harvest geoduck currently planted on the property. No other activity is proposed upon completion of harvest. This application also requests access rights sufficient to provide Taylor ingress and egress to the Geoduck Harvest Areas from either the waterward or landward boundaries of any portion of the Disputed Areas as identified in the Settlement Agreement between Taylor and Department of Natural Resources dated May 6, 2009. For additional operational detail see attached Plan of Operations. For location see Attachment C "Geoduck Harvest Areas."</p> <p>The area of harvest is approximately 6 acres total.</p>		
Estimate volume of timber and/or rock to be hauled.	NA	Mbf	Cu.Yds.
Who will the project ultimately serve?	The harvest of these geoduck will benefit Taylor Shellfish customers, employees and their families, and the local community.		
How many people will benefit from this project?	The number of people that will benefit will be based on market fulfillment.		
What is the legal description of the benefiting property?	NA.		
Length of time requested for the right of entry?	From: <u>Date of Final Authorization Approval</u> To: <u>Five Years After Authorization Approval</u>		
Proposed construction starting date and completion date	NA	Estimated cost of construction	NA
Length of the project in feet or miles	NA		
Width of the proposed R/W in feet	NA		
If the project is for utilities (telephone, sewer lines, outfall, power, water, natural gas, etc.), what are the dimensions of the material to be used? (e.g., six inch doubled walled pipe, or six fiber optic conduits)	NA		
What is the use capacity of the utility?	NA		
If the project is a bridge, what is the anticipated life span of the bridge?	NA		

Will utilities be a part of the bridge?	YES	NO	XX
If utilities are a part of the bridge, please list which utilities (include company name and address if known) NA			
What are the current and past uses of the site? Oyster, clam and geoduck cultivation.			
Do you have any knowledge of contamination of the site by toxic or hazardous substances? Any past uses or practices that might have led to contamination by such substances? If so, please explain: NA			

IMPROVEMENTS

PHYSICAL IMPROVEMENTS ARE STRUCTURES PLACED ON THE LAND THAT CANNOT BE REMOVED WITHOUT DAMAGE TO THE LAND. EXAMPLES OF SUCH STRUCTURES INCLUDE PILINGS, DOLPHINS, PIERS, WHARVES, PILING-SUPPORTED BUILDINGS, STRUCTURES BUILT ON FILL OR CONCRETE FOUNDATIONS, BURIED PIPELINES AND CABLES, AND SUPPORT STRUCTURES FOR BRIDGES. NEW CONSTRUCTION WILL REQUIRE SUBMISSION OF SURVEY.
What physical improvements currently exist on the site? (Photos may be required.) None.
If there are physical improvements currently on the site, who holds ownership to them? NA
If there are physical improvements currently on the site, describe their condition: NA
Which, if any, of the existing physical improvements will be removed, remodeled, or reconstructed? NA
Describe any physical improvements that the applicant is proposing to construct on the site: None.
Has any fill material been placed on the site? If Yes, please describe: None.

II AQUATIC LOCATION

THE AUTHORIZATION TO USE AQUATIC LANDS IS OFTEN SUBJECT TO PREFERENCE RIGHTS. APPLICANTS AND SURVEYORS SHOULD CAREFULLY DETERMINE THE DIRECTION, AND SHOW DETAIL OF, THE PRORATION OF COVES AND IRREGULAR SHORELINES.

The Body of Water on which the state property is located: **Totten Inlet**

County in which the state property is located: **Thurston County**

Parts of

Government Lot, **2** Section, **5** Township, **19N** Range, **2** West

Parts of

Government Lot, **3** Section, **5** Township, **19N** Range, **2** West

Parts of

Government Lot, **4** Section, **5** Township, **19N** Range, **2** West

Government Lot, **1** Section, **4** Township, **19N** Range, **2** West

Government Lot, **2** Section, **4** Township, **19N** Range, **2** West

Government Lot, Section, Township, Range, East/West

Physical description of Project Area (For example, Marsh, Tideflat adjacent to the Chehalis River, etc.): **Sand/mud marine tidelands**

Name of Owner(s) of Uplands, Shorelands, and/or Tidelands shoreward and adjacent to the Property: **Taylor United, Inc. and Helen G. Senff**

Name **Taylor United, Inc.,**
Name **Helen G. Senff**

Address
Address

City
City

State
State

Zip Code
Zip Code

Phone Number
Phone Number

County Parcel No(s). for adjacent properties, upland, and /or adjacent tideland properties (NOTE: You may attach copies of county assessors information relating to parcel numbers. Please verify that the section, township and range is identified in the assessors information.)

Thurston County Parcel Number 93010401000,
93010500000

Parts of Sections 4 and 5, Township 19 North,
Range 2 West, W.M.

EXCEPT FOR PROPERTY LOCATED WITHIN ESTABLISHED HARBOR AREAS, PROOF OF OWNERSHIP, OR AUTHORIZATION TO USE THE ADJACENT TIDELAND, SHORELAND, OR UPLAND PROPERTY MAY BE REQUIRED. IF THE APPLICANT IS THE OWNER OF THE ADJACENT LAND, ATTACH A COPY OF THE DEED OR CONTRACT OF SALE.

LOCAL, STATE, AND FEDERAL REGULATORY PERMITS

COPIES OF ALL GOVERNMENT REGULATORY PERMITS ARE REQUIRED BEFORE ISSUANCE OF DNR USE AUTHORIZATIONS. YOUR PROJECT MAY REQUIRE SOME OR ALL OF THESE PERMITS. (WAC 332.30.122 (1)(c))

PLEASE INCLUDE THE FOLLOWING PERMIT APPLICATIONS, PERMITS, LETTERS OF CONCURRENCE OR WAIVERS WITH THE APPLICATION:

JARPA (Joint Aquatic Resources Permit Application) This one form is used to apply for all of the following permits:

Section 10 Permit - Required by the US Army Corps of Engineers for any work in or affecting navigable waters, e.g., floats, docks, piers, dredging, pilings, bridges, overhead power lines.

Shoreline Substantial Development, Conditional Use, Variance Permit or Exemption - Issued by Local Government, and is required for work or activity in the 100-year flood plain, or within 200 feet of the Ordinary High Water mark of certain waters; and which included any one of the following: dumping, drilling, dredging, filling, placement or alteration of structures or any activity which substantially interferes with normal public use of the waters.

Hydraulic Project Approval - Required by the Department of Fish and Wildlife if the project includes work that will use, divert, obstruct, or change the natural flow or bed of any fresh or salt water of the state.

Section 404 Permit - Required by the US Army Corps of Engineers if your project will discharge or excavate any dredged or fill material waterward of the Ordinary High Water mark or the Mean Higher High Tide Line in tidal areas.

Section 401 Water Quality Certification - Required by the Department of Ecology if a Section 404 permit is required.

NPDES (National Pollutant Discharge Elimination System Permit) - Required by the Department of Ecology under delegated authority from the Federal Environmental Protection Agency for projects that include the discharge of fluid on or into surface water.

SEPA (State Environmental Policy Act) Checklist and Environmental Review - When you submit a permit application to any agency, you will be asked to fill out an environmental checklist (unless your project is categorically exempt per WAC 197-11-800 through 890). Based on checklist answers and the reviewers knowledge of the project site, the "lead agency's" SEPA responsible official will determine the types of impacts the project may have on the environment. ("lead agency" is defined in WAC 197-11-050).

The lead agency will make a determination as to the environmental impact of this proposal and will issue one of the following:

- Determination of Non-significance (DNS)
- Mitigated Determination of Non-significance (MDNS), which will require mitigation measures

to reduce the environmental impact.

- Determination of Significance (DS), which will trigger a requirement to produce an environmental impact statement (EIS)
- The lead agency's determination of non-significance will not automatically cause DNR's approval of this proposal for right of way on the lands it manages.

Describe any habitat mitigation required by any of the permitting agencies identified above and identify in detail where such mitigation is proposed to occur:

No additional permits are required. This use authorization application is for harvesting of geoduck previously planted on the site. Fish and wildlife harvesting activities (including clam harvesting) are authorized by the U.S. Army Corps of Engineers under Nationwide Permit 4 (Clean Water Act and Rivers and Harbors Act authorization). The Washington Department of Ecology has certified that permit under Section 401 of the Clean Water and the Coastal Zone Management Act. The Applicant recognizes that a previous use authorization request related to this property cited U.S. Army Corps of Nationwide Permit 48; that use authorization request included continued cultivation (i.e. seeding) of oysters and therefore could not be authorized under NWP 4, which only authorizes harvest activities. Because the Applicant is no longer requesting authorization for shellfish seeding, the requested authorization is within the scope of Nationwide Permit 4.

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III APPLICATION VERIFICATION AND AUTHORIZATION

All answers and statements are true and correct to the best of my knowledge.

Applicant

William J. Taylor
(Please Print)

Signed

W. J. Taylor
(Applicant or Authorized Signature)

Title

Vice president

Company

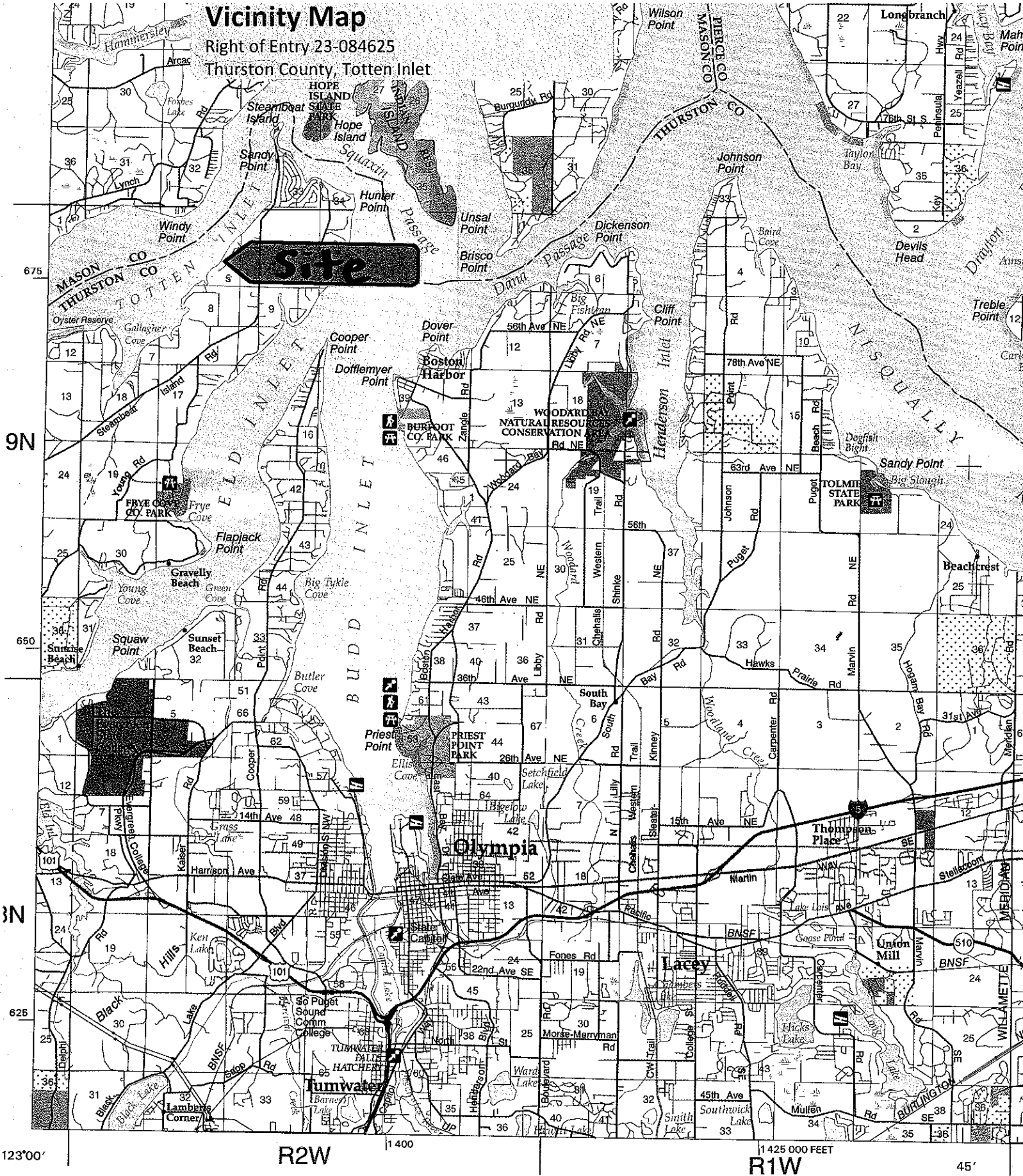
Taylor Resources, Inc.

Date

5/29/09

Vicinity Map

Right of Entry 23-084625
Thurston County, Totten Inlet



TIDELAND OWNERSHIP

Tide Level Diagram

Extreme High Tide	5 feet
Mean High Tide	4 feet

State Owned Tidelands

- From Mean High Tide to Private Tidelands or Extreme Low Tide**
- From the government meander line (the original survey line) or Mean High Tide whichever is further seaward to Extreme Low Tide**